IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 19887 of 2007(P)

PETITIONER:

M.K.SATHYAN,
MEPPATTUTHARAYIL, SEETHATHODU P.O.,
CHITTAR, PATHANAMTHITTA DISTRICT.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI.M.AYYOOBUKHAN
SRI.K.JITHIN
SMT.K.L.SREEKALA
SMT.SREEDEVI KYLASANATH
SRI.V.SETHUNATH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF PANCHAYATHS,
OFFICE OF THE DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.

3. DISTRICT COLLECTOR,
PATHANAMTHITTA, OFFICE OF THE DISTRICT COLLECTOR,
PATHANAMTHITTA.

4. PANCHAYATH COMMITTEE, REPRESENTED BY
PRESIDENT, SEETHATHODU GRAMA PANCHAYATH.

5. SEETHATHODU GRAMA PANCHAYATH, REP.BY
ITS SECRETARY, SEETHATHODU P.O.,
PATHANAMTHITTA DISTRICT.

6. SUB-INSPECTOR OF POLICE,
SEETHATHODU POLICE STATION.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
BY GOVT. PLEADER SRI. MUHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19887 of 2007

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Dated this the 3rd day of July, 2007

JUDGMENT

Petitioner challenges Ext.P6. It is an order purported to be passed invoking Section 220B of the Panchayat Raj Act calling upon the petitioner to demolish the petitioner's building. According to the petitioner it is constructed in 1983, much prior to the formation of the Panchayat Raj Act, 1994. Of course this is a matter which is seriously disputed by counsel for the Panchayat. There is no dispute that appeal lies under Section 276 of the Act to the Committee against the notice issued by the Secretary. In such circumstances, I am inclined to relegate the petitioner to the pursuit of the alternate remedy.

2. Heard counsel for the petitioner, learned Government Pleader and counsel for the respondent Panchayat.

The writ petition is disposed of relegating the petitioner to pursue the alternate remedy under Section 276 of the Act within a period of one week from today. In order to allow the petitioner to pursue the alternate remedy, Ext.P6 shall be kept in abeyance for a period of three

weeks from today. Thereafter it is for the petitioner to seek interim relief as permitted under Section 276 of the Act. Petitioner will be heard before a decision is taken.

(K.M. JOSEPH, JUDGE)

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